REMARKS

Claims 1-20 are now pending, wherein claims 15, 16, 18 and 19 have been withdrawn from consideration.

Claims 1-4, 11 and 20 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 4,478,369 (VonHolten).

Independent claim 1 is directed to a material spreader mounted on a truck, the material spreader comprising a trough mounted laterally on the truck, and at least two conveying mechanisms mounted within the trough, each of the conveying mechanisms being independently driven to rotate in a desired direction and at a desired speed.

In contrast to the claimed combination of features in Applicant's claim 1, VonHolten discloses a spreader having two conveying mechanisms in the form of conveyor drag chains 20 that are mounted laterally on a truck and relative to a hopper unloading belt 210. The two laterally mounted conveyor drag chains 20 are both driven together at exactly the same speed through a chain and sprocket belt drive mechanism connected to motor 200. Hydraulic motor 240 drives the hopper unloading belt 210, and hydraulic motor 240 is hydraulically connected in series with the conveyor drag chain motor 200. As a result, the two laterally mounted drag chains 20 are not independently driven to rotate in a desired direction and at a desired speed as in the novel combination of features recited in independent claim 1.

Independent claim 11 is directed to a method of distributing material from a truck mounted material storage container, with the truck including a longitudinal conveyor for moving the material to a laterally mounted trough having at least two lateral conveyors.

The method comprises moving material from the material storage container along the longitudinal conveyor into the trough, and independently controlling the rate of movement of the at least two lateral conveyors to distribute the material to opposite sides of the trough in a desired ratio.

As discussed above with regard to independent claim 1, the novel combination of features claimed in independent claim 11 is neither disclosed nor suggested by VonHolten since in VonHolten the two laterally mounted conveyor drag chains 20 are both driven through a chain and sprocket belt drive mechanism connected to a single motor 200 such that the rate of movement of the two drag chains 20 cannot be controlled independently.

Independent claim 20 is directed to a device for distributing material from a truck mounted material storage container. The device comprises means for moving the material from the material storage container in a longitudinal direction relative to the material storage container, means for moving a first portion of the material in a first lateral direction relative to the material storage container, and means for moving a second portion of the material in a second lateral direction different from the first lateral direction relative to the material storage container. As discussed above with regard to independent claims 1 and 11, the means for moving a first portion of the material in a first lateral direction and the means for moving a second portion of the material in a second lateral direction, as claimed in independent claim 20, encompasses the structure disclosed in the specification or its equivalents wherein the means for moving the first and second portions of the material can be controlled independently. In contrast to the novel combinations of features set forth in the Applicant's claims, the device disclosed in VonHolten is concerned only

with the even distribution of material along both of the conveying mechanisms. As disclosed in column 5, lines 45-55 of VonHolten, the ground coverage resulting from the spreader disclosed in VonHolten is uniform and without gap. Accordingly, Applicant respectfully submits that independent claims 1, 11 and 20, and hence dependent claims 2-10, and 12-19, are neither disclosed nor suggested by VonHolten. Withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

Claims 8-10 and 12-13 are rejected under 35 U.S.C. § 103 as allegedly being unpatentable over VonHolten in view of U.S. Patent No. 3,583,646 (Bogenschutz).

Bogenschutz is relied upon for the features of a spinner and adjustable chute, and does not overcome the above-noted deficiencies of VonHolten. In particular, Bogenschutz does not disclose two conveying mechanisms mounted within a trough, with each of the conveying mechanisms being independently driven to rotate in a desired direction and at a desired speed.

Claims 5-7, 14 and 17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over VonHolten in view of U.S. Patent No. 5,178,333 (Barber). The Office Action relies upon Barber for a disclosure of an auger as a conveying means. Applicant submits that Barber also does not overcome the above-noted deficiencies of VonHolten since Barber neither discloses nor suggests the feature of independently controlled lateral conveyors that can distribute material to opposite sides of a trough in a desired ratio. As disclosed in column 5, lines 36-54 of Barber, all of the augers 30 are drivingly interconnected by a chain 35 and are uniformly driven such that a uniform flow of particulates is provided to each of delivery tubes 14.

For at least the reasons discussed above, withdrawal of all rejections under 35 U.S.C. § 103 is respectfully requested.

In view of the allowability of independent claims 1, 11 and 20, for the reasons discussed above, Applicant requests consideration and allowance of non-elected claims 15, 16, 18 and 19 since the non-elected claims include all of the limitations of allowable generic claims 1 or 11.

Prompt issuance of a Notice of Allowance is earnestly solicited. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

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By: William O. Trousdell
William O. Trousdell
Registration No. 38,637

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620